

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL A. JACKSON,

Plaintiff,

v.

TAYLOR YOUNG *et al.*,

Defendants.

Case No. C07-5480RBL

ORDER ON PENDING  
MOTIONS

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court are three motions filed by plaintiff. Mr. Jackson asks the court to serve the defendants in two of the motions (Dkt # 13 and 16). The court has just ordered the United States Marshal's Office to attempt service by mail. The motions are therefore **DENIED AS MOOT**.

Mr. Jackson also asks the court to appoint counsel for him (Dkt # 19). There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin

1 v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A  
2 finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits  
3 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues  
4 involved. Wilborn, 789 F.2d at 1331.

5 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Thus, it appears that  
6 this case does not involve exceptional circumstances which warrant appointment of counsel. Accordingly,  
7 Plaintiff's Motion to Appoint Counsel (Dkt. # 19) is **DENIED**.

8 The Clerk is directed to send a copy of this Order to plaintiff and remove Dkt. # 13, 16, and 19  
9 from the court's calendar.

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11 DATED this 28 day of November, 2007.

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13 /S/ J. Kelley Arnold  
14 J. Kelley Arnold  
United States Magistrate Judge  
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